

## § 4.01-1

### Subpart 4.23—Evidence of Criminal Liability

4.23-1 Evidence of criminal liability.

### Subpart 4.40—Coast Guard—National Transportation Safety Board Marine Casualty Investigations

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AUTHORITY: 33 U.S.C. 1231; 43 U.S.C. 1333; 46 U.S.C. 2103, 2306, 6101, 6301, 6305; 50 U.S.C. 198; 49 CFR 1.46. Authority for subpart 4.40: 49 U.S.C. 1903(a)(1)(E); 49 CFR 1.46.

SOURCE: CGD 74-119, 39 FR 33317, Sept. 17, 1974, unless otherwise noted.

### Subpart 4.01—Authority and Scope of Regulations

#### § 4.01-1 Scope of regulation.

The regulations in this part govern the reporting of marine casualties, the investigation of marine casualties and the submittal of reports designed to increase the likelihood of timely assistance to vessels in distress.

[CGD 85-015, 51 FR 19341, May 29, 1986]

#### § 4.01-3 Reporting exclusion.

(a) Vessels subject to 33 CFR 173.51 are excluded from the requirements of subpart 4.05.

(b) Vessels which report diving accidents under 46 CFR 197.484 regarding deaths, or injuries which cause incapacitation for greater than 72 hours, are not required to give notice under § 4.05-1(d) or § 4.05-1(e).

(c) Vessels are excluded from the requirements of § 4.05-1(d) and (e) with respect to the death or injury of shipyard or harbor workers when such accidents are not the result of either a vessel casualty (e.g., collision) or a vessel equipment casualty (e.g., cargo boom fail-

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ure) and are subject to the reporting requirements of Occupational Safety and Health Administration (OSHA) under 29 CFR 1904.

(d) Except as provided in subpart 4.40, public vessels are excluded from the requirements of this part.

[CGD 76-170, 45 FR 77441, Nov. 24, 1980; 46 FR 19235, Mar. 30, 1981, as amended by CGD 76-170, 47 FR 39684, Sept. 9, 1982; CGD 95-028, 62 FR 51195, Sept. 30, 1997]

### Subpart 4.03—Definitions

#### § 4.03-1 Marine casualty or accident.

(a) The term *marine casualty or accident* shall mean any casualty or accident involving any vessel other than public vessels if such casualty or accident occurs upon the navigable waters of the United States, its territories or possessions or any casualty or accident wherever such casualty or accident may occur involving any United States' vessel which is not a public vessel. (See § 4.03-40 for definition of *Public Vessel*.)

(b) The term *marine casualty or accident* includes any accidental grounding, or any occurrence involving a vessel which results in damage by or to the vessel, its apparel, gear, or cargo, or injury or loss of life of any person; and includes among other things, collisions, strandings, groundings, foundering, heavy weather damage, fires, explosions, failure of gear and equipment and any other damage which might affect or impair the seaworthiness of the vessel.

(c) The term *marine casualty or accident* also includes occurrences of loss of life or injury to any person while diving from a vessel and using underwater breathing apparatus.

[CGD 74-119, 39 FR 33317, Sept. 17, 1974, as amended by CGD 76-170, 45 FR 77441, Nov. 24, 1980]

#### § 4.03-2 Serious marine incident.

The term *serious marine incident* includes the following events involving a vessel in commercial service:

(a) Any marine casualty or accident as defined in § 4.03-1 which is required by § 4.05-1 to be reported to the Coast Guard and which results in any of the following: